



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

4949-A Cox Road, Glen Allen, Virginia 23060

(804) 527-5020 Fax (804) 527-5106

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Gerard Seeley, Jr.
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

A SPECIAL ORDER BY CONSENT ISSUED TO RENNIE PETROLEUM CORPORATION

SECTION A: Purpose

This is a Special Order by consent issued under the authority of §§ 62.1-44.15 (8a) and (8d) of the Code of Virginia issued by the State Water Control Board between the Board and Rennie Petroleum Corporation to resolve certain violations of the State Water Control Law and regulations at Rennie Petroleum Corporation's Underground Storage Tank Facilities located at 515 14th Street, West Point, Virginia and 5033 Richmond-Tappahannock Hwy, Aylett, Virginia.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Code §§ 10.1-1184 and 62.1-44.7.
2. "Code" means the Code of Virginia (1950), as amended.
3. "Department" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "Regional Office" means the Piedmont Regional Office of the Department.

7. "RPC" means Rennie Petroleum Corporation, located at 1600 Belleville Street in Richmond and certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
8. "Facility 626" means the retail gasoline station and USTs owned by Rennie Petroleum Corporation and located at 5033 Richmond Tappahannock Hwy, Aylett, Virginia. The Underground Storage Tanks are further identified as: Facility ID# 4-004783

Tank #1	12,000 Gallons	Regular Gasoline	Installed 5/27/99
Tank #2	12,000 Gallons	Premium Gasoline	Installed 5/27/99
Tank #3	12,000 Gallons	Diesel	Installed 5/27/99
9. "Facility 614" means the retail gasoline station and USTs owned by Rennie Petroleum Corporation and located at 515 14th Street, West Point, Virginia. The Underground Storage Tanks are further identified as: Facility ID #4-011111

Tank #1	8,000 Gallons	Regular Gasoline	Installed 1985
Tank #2	6,000 Gallons	Midgrade Gasoline	Installed 1985
Tank #3	6,000 Gallons	Premium Gasoline	Installed 1985
10. "The Regulation" means 9 VAC 25-580-10 *et seq.* (Underground Storage Tanks: Technical Standards and Corrective Action Requirements) relating to upgrading of existing UST Systems, registration of tanks, closure of non-compliant tanks, and release detection requirements.
11. "UST" means underground storage tank as further defined in 9 VAC 25-580-10 and Virginia Code §62.1-44.34:8.
12. "NOV" means Notice of Violation.

SECTION C: Findings of Fact and Conclusions of Law

1. The Regulation requires that all USTs meet final, specific performance requirements for leak detection, spill and overfill protection, and corrosion protection by December 22, 1998.
2. RPC is the owner of the USTs at Facility 614 and Facility 626 within the meaning of Code § 62.1-44.34:8.

3. On January 18, 2006 and February 15, 2006, Department staff conducted formal inspections of Facility 614 and Facility 626 respectively and found the following deficiencies:
 - The USTs and piping were unprotected from corrosion and the records regarding corrosion protection were not available
 - Records of recent compliance with release detection requirements were not available
 - Records of financial responsibility were not being maintained at the Facility
4. On April 28, 2006, and May 5, 2006, the Department issued Warning Letters to RPC requesting records demonstrating compliance with the deficiencies cited in the above inspections.
5. On September 8, 2006, the Department issued a NOV to RPC citing it for the deficiencies noted during the above inspections at Facility 614 and Facility 626.
6. On September 25, 2006, Department staff met with RPC to discuss compliance issues and to provide additional remedies for the settlement of the violations at Facility 614 and Facility 626.
7. On February 7, 2007, RPC filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the Eastern District of Virginia. A civil charge was calculated by Department staff for this Order but was subsequently suspended based on RPC's bankruptcy filing.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of its authority in Code §§ 62.1-44.15 (8a) and (8d), orders RPC and RPC agrees to perform the actions described in Appendix A of the Order to remedy the violations described above and bring the Facility into compliance with the Regulation.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of RPC, for good cause shown by RPC, or on its own motion after notice and opportunity to be heard.

2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to RPC by DEQ on September 8, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, RPC admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. RPC consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. RPC declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by RPC to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. RPC shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. RPC shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. RPC shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;

- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

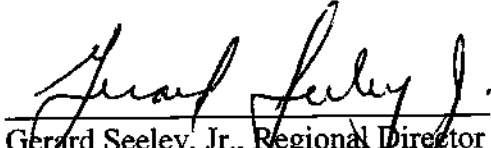
Failure to so notify the Regional Director within 24 hours of learning of any condition above, which RPC intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and RPC. Notwithstanding the foregoing, RPC agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until:
 - a. RPC petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - b. The Director or Board terminates the Order in his or its sole discretion upon 30 days notice to RPC.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve RPC from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. By its signature below, RPC voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 29th day of June, 2007.


Gerard Seeley, Jr., Regional Director
Department of Environmental Quality

RPC voluntarily agrees to the issuance of this Order.

By: *Officer, Inc.*
Date: 4/17/07

Commonwealth of Virginia

City/County of Richmond

The foregoing document was signed and acknowledged before me this 17th day of

April, 2007, by Donald J. Rennie, who is
(name)

President of RPC, on behalf of the Corporation.
(title)

Sheather D Chandler
Notary Public

My commission expires: May 31, 2009

Appendix A
Rennie Petroleum Corporation

RPC shall:

For Facility 614:

1. On or before June 15, 2007, submit to the Department, the first of three consecutive release detection results. The second and third release detection results shall be due on July 15, 2007 and August 15, 2007 respectively.
2. By June 15, 2007, submit to the Department line test results.
3. By June 15, 2007, submit to the Department tank tightness test results.
4. By July 15, 2007, ensure that it has submitted accurate, up to date Financial Responsibility documentation for the Facility in accordance with 9 VAC 25-590-10 *et seq.*

For Facility 626:

5. By June 15, 2007, submit to the Department line test results.
6. By June 15, 2007, submit to the Department tank tightness test results.
7. By July 15, 2007, ensure that it has submitted accurate, up to date Financial Responsibility documentation for the Facility in accordance with 9 VAC 25-590-10 *et seq.*
8. Documents to be submitted to the Department shall be sent to:

Frank Lupini
Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060